

REMARKS

Applicants previously presented claims 1-29 for examination. In the above-identified Office Action, all of the claims have been rejected.

Applicants appreciate the Examiner's detailed comments and helpful suggestions to the above-identified application. For the reasons to be stated below, however, Applicants respectfully traverse the Examiner's rejections.

By this amendment, Applicants have amended claims 1, 8, 14, 21, and 23, and claim 22 has been cancelled, to clarify the subject matter regarded as the invention. Accordingly, claims 1-21 and 23-29 remain pending. Reconsideration is respectfully requested based on the following remarks.

In the Office Action, the Examiner rejected claims 8-11 under 35 USC 102(e) as being anticipated by Ralston et al (US 6,389,454, hereinafter "Ralston"); claims 12 and 13 under 35 USC 103(a) as being unpatentable over Ralston; claims 1-7 under 35 USC 103(a) as being unpatentable over Ralston in view of US 5,970,466 by Detjen et al (hereinafter, "Detjen"); claims 14-20 under 35 USC 103(a) as being unpatentable over Ralston in view of US Patent 5,960,406 by Rasansky (hereinafter, "Rasansky"); and claims 21-29 under 35 USC 103(a) as being unpatentable over Ralston in view of Rasansky and further in view of US 6,708,205 by Sheldon et al (hereinafter, "Sheldon"). Applicants respectfully disagree.

In general terms, Ralston is on a system for a patient to schedule appointments that utilize a plurality of services at a multitude of facilities. Ralston's scheduling method includes:

- "receiving a packet of client information from a client, the client information including personal data, service data, client appointment preference data, and payment data;
- comparing the service data to a set of service constraints in order to determine any limitations on the scheduling of the appointment;
- inputting the client information into a scheduling server;
- verifying the client information;

generating a predetermined number of appointment candidates based upon an analysis of the client information and the appointment scheduling limitations;
communicating the appointment candidates to the client;
generating an appointment based upon the client's selection of one of the appointment candidates;
generating appointment information related to the appointment, the appointment information including the client information, the service constraints, an appointment date, an appointment time, the identity of the available facility, and the resources to be utilized;
reporting at least a portion of the appointment information to the client and all of the client information to the available facility; and
confirming the appointment in the scheduling server.”¹

In general terms, Detjen is on solving the problems of providing “a program in which one or more staff members can schedule appointments for a group of professionals or for a group of facility or equipment resources.... in a group practice over days, weeks and months of the year.”²

Detjen “provides a computer-implemented method and computer program for displaying a plurality of schedules for a corresponding group of persons or resources, each schedule including i) a title bar identifying the individual or resource, ii) a vertical time graph extending over at least one day having colored bars corresponding in color and length to corresponding types and lengths of appointments, respectively, and iii) a plurality of appointment rows corresponding to time slots available for appointments during the day.

....

[T]he plurality of schedules in the selected group are displayed horizontally on a page ... and a horizontal scroll bar ... is provided to allow scrolling across the plurality of schedules.

The invention also allows for weekly views ... monthly view ... or for a specific date in the month for a specific group or resource....

¹ Abstract.

² Col. 1, lines 15-23

The invention further provides for displaying a patient dialog box including identification of multiple patients ... and a plurality of status icons representing status of certain medical conditions associated with an individual patient....

The invention further provides for a report of 'missing appointments' command

....

The invention further provides an 'options' command ... for receiving data defining criteria for importing patient data from a patient database file."³

In general terms, Rasansky is on scheduling meetings with different individuals, and to make reservations for appointments from different service providers. According to the patent, prior technologies fall "far short of fulfilling a need in the art for technology that coordinates myriad schedules, and facilitates making appointments with people in disparate locations, time zones, and computing environments."⁴

Rasansky describes ways to address the problems through computer systems that "comprise a client interface that allows an initial end user to communicate a desire to schedule and event through the system to potential end users.... The systems and methods described herein are particularly useful in communicating over the Internet or World Wide Web, assisted by Email, since they do not require the client to contain any special software that is uniquely suited to only this particular task, but rather operate through standard HTML text as displayed in a standard Web Browser. The scheduling systems are particularly unique in that these systems allow each end user to possess a unique private calendar that communicates with other private and unique calendars of other end users across the transport medium. No user ever sees the private calendar of another, yet messages and invitations sent to other users show up in both calendars. When a current end user wants to propose times for a meeting with an individual who is not currently a user of the system, the system creates a new account and contacts the new user with an e-mail, which in turn provides that individual with a connection to the system and access to a private calendar of his own. That new calendar then becomes part of the overall system and contains the proposal for the meeting as it was sent by the originating end user. In this manner, the systems and methods provided in accordance

³ Col. 1, line 39 to Col. 2, line 30

⁴ Col. 1, lines 47-50

with the present invention provide a method of extreme proliferation of the scheduling systems claimed herein, thereby making the schedules ubiquitous throughout the Internet through Email. By providing a ubiquitous system, each member of a large segment of the population will have access to private calendar and scheduling systems, and the user of these systems will rapidly become second nature.”⁵

As to Sheldon, in general terms, it is related to issues regarding the vast volume of messages sent and received daily. “A significant irritation associated with existing electronic mail is ‘spam’ or ‘junk mail’.... Electronic mail filters are applied to detect and reject in-coming junk mail.... [B]ecause filters have static criteria, the junk mail sender can readily re-word certain common phrases to by-pass filters, thus allowing the electronic mail to be accepted by the receiver. Moreover, senders of unsolicited mail regularly change their return addresses and/or domain of origin.”⁶

Sheldon provides e-mail communication “in which an e-mail user interface is generated on a display device. The e-mail user interface implements e-mail messaging for a root e-mail address that includes a domain name and a username. Upon receiving a request from a user, the method generates a first suffix e-mail address, and creates a first directory on the e-mail user interface for the first suffix e-mail address. The first suffix e-mail address includes the domain name, the username, and a first suffix name. Upon receiving an e-mail message having a destination address including the domain name and the username, the method stores the e-mail message in the first directory if the destination address includes the first suffix. In accordance with further aspects of this embodiment, a plurality of suffix e-mail addresses can be created, each having a corresponding directory on the e-mail user interface.”⁷

None of the references, singly or in any combination, teaches or suggests scheduling appointments with a service provider where (a) the on-line scheduling of appointment over a network is available to a registered service provider, (b) the on-line scheduling of appointments over the network is also available to a non-registered service provider on a limited basis, and (c) such a limited basis can motivate the non-registered service provider to become registered. Furthermore, there is no motivation to combine

⁵ Col. 2, lines 2-54

⁶ Col. 2, lines 5-29

⁷ Abstract

Ralston, Detjen, Rasansky and Sheldon in the manner that the Office Action proposes to reject the independent claims 1, 8, 14 and 21. Thus, Ralston, Detjen, Rasansky and Sheldon do not, individually or in any combination, teach or suggest the claimed invention under those independent claims. Similarly, dependent claims 2-7, 9-13, 15-20 and 23-29 respectively depend from claims 1, 8, 14 and 21, and are, therefore, also not taught or suggested by Ralston, Detjen, Rasansky and Sheldon, singly or in any combination, for at least the reasons noted above.

The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above discussed limitations are clearly sufficient to distinguish the claimed invention from Ralston, Detjen, Rasansky and/or Sheldon. Thus, it is respectfully requested that the Examiner withdraw the rejection of claims 1-21 and 23-29 under 35 USC 102 and/or 35 USC 103(a). Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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